



Appeal Decision

Site visit made on 4 November 2025

by Mr D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2025

Appeal Ref: APP/U5930/W/25/3367408

Rear of 686 Forest Road, Waltham Forest, Walthamstow E17 3ED

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ali Abazari against the decision of Waltham Forest London Borough Council.
 - The application Ref is 242369.
 - The development proposed is described as demolition of an existing garage and construction of a new single storey dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's appeal statement states that it acknowledges revisions to the outline Construction Logistics Plan (CLP) may be addressed by planning condition, referenced in the third reason for refusal. I return to this matter below.

Main Issues

3. The main issues are:
 - the effect of the proposed development upon designated habitats sites;
 - the effect of the proposed development upon trees;
 - whether or not the proposed development would be compliant with development plan policy for character-led intensification;
 - whether or not the proposed development would be compliant with policies for car free development; and,
 - whether or not the proposed development would be compliant with policies for CLP monitoring and sustainable transport.

Reasons

Designated habitats sites

4. The appeal site lies within the 6.2km Zone of Influence (Zol) of the Epping Forest Special Area of Conservation (SAC), which is a designated habitats site. The Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations) require that where a plan or project is likely to result in a likely significant effect (LSE) upon a designated habitats site, a competent authority is required to make an appropriate assessment (AA) of its implications upon the

integrity of that site, in view of its conservation objectives. Any LSEs arising from a proposal need to be considered alone and in combination with other development in the area, adopting the precautionary principle.

5. The SAC qualifying habitats are its beech forests on acidic soils with Ilex and sometimes Taxus in the shrub layer, dry heaths, wet heaths with cross-leaved heath and its qualifying species is the Stag beetle. The SAC conservation objectives are to achieve a favourable conservation status of the qualifying features by maintaining or restoring: the extent, distribution, structure and function of the qualifying habitats and those of the qualifying species; the population and distribution of the qualifying species; and, the supporting processes on which the qualifying habitats and those of the qualifying species rely.
6. If constructed, the appeal scheme would result an increase in the number of dwellings, and people living within a distance of the SAC they are likely to visit it. Advice from Natural England¹ (NE) and the Council's Habitats Regulations Assessment Report² (the HRAR) identifies that any new residential dwellings within the 6.2km Zol are likely to have LSEs upon the SAC. This is because occupiers of new dwellings would be likely to access the SAC for recreational purposes, which is documented as causing recreational pressure and resulting in effects such as damage to its habitats and erosion of soils (LSEs).
7. Having been consulted upon the proposal, NE considers un-mitigated the proposal would adversely affect the integrity of the SAC, so a financial contribution should be secured in order to conclude there would be no adverse effects upon the SAC. Therefore, based upon the evidence before me, alone and in combination with other development in the area, the appeal scheme would have LSEs upon the integrity of the SAC. The appellant confirms they do not dispute this matter.
8. To mitigate the LSEs there is a package of costed Strategic Access Management Measures (SAMMs) prepared by the City of London Conservators of Epping Forest, and a scheme for contributions towards a Suitable Alternative Natural Greenspace (SANG). I understand the per dwelling SANG contributions are collected through the Community Infrastructure Levy, however, the contribution towards SAMMs is required to be secured via a planning obligation.
9. The appellant states they would be willing to provide a contribution to mitigate the effects of the appeal scheme. However, I do not have a planning obligation before me securing the financial contribution to SAMMs, or other means of securing it, or alternative mitigation measures. Section 63(5) of the Regulations states the competent authority may agree to a plan or project, only after having ascertained that it will not adversely affect the integrity of a habitats site.
10. The appeal scheme makes no other provision to mitigate the LSEs and thus maintain a favourable condition and the integrity of the SAC. Applying the precautionary principle and in the absence of appropriate mitigation, the appeal scheme would have LSEs on the integrity of the SAC. For this reason, the appeal scheme would fail to adhere to its conservation objectives. The appellant has not demonstrated there are no alternative solutions to providing unmitigated housing at the appeal site. Imperative reasons of overriding public interest do not exist and there are no other considerations that clearly outweigh the harm to the SAC.

¹ Letter from Natural England dated 6 March 2019.

² Waltham Forest Submission Local Plan Part 1 Habitats Regulations Assessment Report Examination Update (13 October 2022).

11. Therefore, for the reasons set out, the proposed development would have an adverse effect upon a designated habitats site. It would conflict with Policy 81 of the Waltham Forest Local Plan Part 1 (2024) (the LP) which requires development in the ZOI contributes to the delivery of mitigation and demonstrates it would not result in adverse effects upon the SAC. It would also conflict with the Planning Obligations Supplementary Planning Document (2017) (the SPD) insofar as it seeks to secure obligations where necessary to make a development acceptable.

Trees

12. The appellant's existing plan indicates that two trees are located a fairly short distance away from the existing garage rear wall³. However, from what I saw at my visit one almost abuts the rear garage wall and one is a very short distance from it within what appears to be a raised bed, which is more reflective of the position and relationship set out in the appellant's Arboricultural Survey (AS).
13. They are early mature Ash trees approximately 10m high, crown spreads of the order of 5 – 6m, and exhibit some asymmetry due their proximity and relationship. At my visit they were clearly of some stature and appeared typical of the species for the time of year. Though they may not be classed as of a high or moderate category, they are a significant feature that makes a markedly positive contribution to the character, appearance, and other amenity attributes of the area, such as biodiversity. This was visible from a good length of Shernhall Street, part of Blackberry Close, and some neighbouring properties and gardens.
14. The AS refers to early signs of Ash Dieback, though from the AS and what I saw, there is no demonstration it is particularly advanced or the trees are not exhibiting either a tolerance to it, or may not potentially recover. The AS classifies the trees as a Category C1 with a 10+ years life expectancy. Despite their proximity to the rear garage wall, at this stage, there was no outward above ground-level signs of damage. What I saw and the evidence before me points to them being likely to positively contribute to the character, appearance and amenity of the area for a number of years to come.
15. The appellant's AS is primarily a survey, which makes recommendations for an impact assessment (AIA), method statement and tree protection plan. An AIA plan with the appellant's appeal submission, refers to general good practice, and measures such as avoiding compaction from plant and vehicles, and states the new dwelling would not impact upon the Root Protection Areas (RPAs). However, the garage is over a very significant proportion of the RPAs close to their trunks, and its influence and interaction with the roots within the RPAs is not explained.
16. The appeal scheme requires the demolition of the sizeable garage structure, works for the creation of a new garden area with potentially significant changes to the RPA levels and rooting environment. Therefore, significant works would take place within the RPAs very close to the trunks, which may have potential implications for their future retention, health and stability. However, there is little substantive explanation of the potential implications of the works, the tolerance of the species to them, or detailed protection measures. Notwithstanding the AS and AIA Plan, I am not fully convinced the retention or health of the trees, would not be significantly prejudiced by the appeal scheme, with consequent adverse effects upon the character, appearance and amenity of the area.

³ Ref. 010 Rev. P01 – EXISTING GROUND FLOOR & ROOF PLANS.

17. LP Policy 80 expects that it should be demonstrated trees can be satisfactorily retained, or if there is sufficient justification for their loss the scheme could re-provide their amenity, canopy, habitat and biomass within it, or would secure appropriately justified mitigating financial contributions. Despite the appellant's submissions and good intentions, the evidence is insufficient to demonstrate the trees can be satisfactorily retained.
18. Were they lost, while there might be some landscaping and biodiversity enhancements possible, given the scope within the appeal site, it is not demonstrated these trees equivalent amenity, canopy, habitat and biomass could be re-provided on site. Therefore, this should not be left to planning conditions, because it could lead to conditions that fail the reasonableness test, and if off-site works or contributions were necessary, an inability to secure them contrary to Policy 80(C.). It is not demonstrated that landscaping and biodiversity measures secured by conditions could overcome the policy conflict, or sufficiently and adequately mitigate it.
19. Therefore, for the reasons set out above, it has not been demonstrated the proposed development would not have an adverse effect upon trees, in conflict with the objectives of Policies 79 and 80 of the LP. In combination and amongst other things, require proposals protect and enhance biodiversity resources by avoiding and minimising its effects, and proposals take particular account of existing trees, demonstrate their satisfactory protection and retention, must protect and retain significant existing trees, and sets out requirements that where they are to be lost this is fully justified and they are fully and adequately mitigated.

Character

20. The appeal site includes a double garage building, parking area and boarding, forming the rear part of the original plot of No 686 Forest Road, now under separate ownership. No 686 and some properties either side in the terrace have a similar layout with terraced buildings to the Forest Road frontage, long rear gardens, and outbuildings and/or parking areas to the rear adjacent to Blackberry Close. However, the site is also viewed and experienced in the context of the Blackberry Close access, its parking area, and the flatted buildings adjacent to and accessed off it.
21. Therefore, the surrounds vary, but with quite distinctively separate elements and characteristics. Some of the more recent flats on Blackberry Close were formerly garages and have physical alignment with the appeal site. However, the appeal site appears strongly related to and viewed as one of the varying style outbuildings at the end of the long gardens. Therefore, it is in keeping this quite distinctive character, making a largely neutral contribution to the character of the area.
22. At appropriate locations Policy 8 of the LP sets out positive approaches for character-led intensification of development, based upon three categories. It is not put to me the appeal site is within a location regarded as not appropriate in principle under Policy 8. Notwithstanding, the differing layouts, the surrounds feel distinct and established, and in my opinion, having regard to the main parties' respective cases, the surrounds do not give the impression of an area evolving or under transition. As a matter of judgement, its location is part of quite a distinctive pattern of development, so 'reinforcement' would be the most appropriate approach to intensification for this appeal site under Policy 8.

23. The Council's delegated report states the physical design, layout, height, scale and materials would be acceptable. Whether or not it is strictly classed as 'backland' development, the proposal would separate and subdivide the plot, which from what I saw and the evidence before me, would be a unique arrangement for the nearby outbuildings and gardens. There would be some intensification from use as a separate dwelling such as increased comings and goings, a more concentrated area of activity, smaller garden spaces, lighting, and noise. This would be visible from both the front and the rear of the appeal site, from some neighbouring properties and gardens of dwellings on Forest Road, part of Blackberry Close, and a limited section of Shernhall Street.
24. Having regard to the built development being quite a limited increase and the likely nature of the use for a single bedroom property, in my judgement there would be a modest level of intensification. In the context of immediately surrounding development, uses and activities, the evidence does lead me to conclude there would be harm to character as a consequence of this, and I can only conclude the appeal scheme meets the expectations and requirements of Policy 8.
25. Therefore, for the reasons set out above, the proposed development is compliant with development plan policy for character-led intensification. It complies with Policy 8 of the LP, the relevant provisions of which I have set out above.

Car free development

26. LP Policy 61 states that all new development will be expected to support a shift to active transport modes and encourage an increase in walking and cycling. In order to promote and encourage active and sustainable transport, improve personal health and well-being, improve air quality and respond to the Climate Emergency, LP Policy 66 seeks that all new developments should be car free.
27. The appeal scheme is within a Controlled Parking Zone, and at my visit car parking in the area appeared strongly controlled. While my visit can only represent a brief snapshot in time, on-street parking had a high uptake with few free spaces available in a number of streets, which might well be in greater demand in the evenings when more residents might be at home. Though it appears to be private rather than public highway, I also noted a similar competing demand for spaces around Blackberry Close. There is no substantive evidence to leading me to believe that what I saw was untypical for the time of day.
28. A dwelling potentially creating further demand for access and parking would conflict with the aims of Policies 61 and 66. It might also have potential adverse implications for pedestrian use around the access and there appeared to be no designated footway in this part of Blackberry Close. An additional vehicle would add to parking pressure and may reduce the appeal of the pedestrian environment. Therefore, I am satisfied an obligation or agreement to secure car-free parking meets the tests of being necessary to make the development acceptable, directly related to it and fairly and reasonably related in kind to it. Therefore, it meets the tests in Regulation 122 of the CIL Regulations and paragraph 58 of the National Planning Policy Framework (2024) (the Framework).
29. The appellant does not directly contest the assertions in the Council's fifth reason for refusal and explains they are fully committed to entering an agreement to restrict future occupiers from applying for on-street parking permits. However, there is no obligation or other means to secure this offered before me. The

Planning Practice Guidance (PPG) advises that in exceptional circumstances a condition might be appropriate where there is clear evidence the delivery of a development would otherwise be at risk, such as for particularly complex developments⁴. However, no condition is advanced, and no substantive case in this regard is demonstrated.

30. The Council advances informative advice in the event the appeal were to be allowed to advise that the appellant should enter into a legal agreement to secure various contributions. However, this would have no legal force and would not secure any obligations, including a car-free development.
31. Therefore, for the reasons set out above, the proposal would not be compliant with policies for car free development, in conflict with the aims of Policy 61, and with Policy 66 of the LP, the relevant provisions of which are set out above.

CLP monitoring and sustainable transport

32. LP Policy 60 seeks to create safe neighbourhoods including through reducing road dangers. LP Policy 65 expects proposals should be accompanied by a Construction Logistics Plan (CLP) to minimise the impact of construction logistics on the road network. This includes through ensuring routes are safe, seeking to avoid air quality sensitive areas and those with concentrations of vulnerable users such as schools, minimising construction traffic and manoeuvres that might place other road users at risk, and ensuring vehicles are safe and suitable for a site.
33. The Council agrees a suitably worded planning condition could address the submission and approval of a CLP. However, this would not secure a CLP monitoring fee to contribute towards the costs of monitoring activities to ensure the implementation of the CLP. The SPD sets out requirements for monitoring of agreements. The direct monitoring of the CLP is an important on-going matter during construction that would add to the Council's costs to ensure it would not result in harmful effects in a well-trafficked location, close to bus stops and a school. Therefore, on-balance, I consider the fee would meet the tests in Regulation 122 of the CIL Regulations and Framework paragraph 58.
34. LP Policy 60 seeks to promote sustainable transport and expects that proposals will contribute towards the Council's objective to deliver more attractive, accessible, safe and healthy streets for all residents. It supports proposals that increase the proportion of trips made by walking and cycling and sets out various objectives in this regard. The SPD explains that there is a focus on improving access to public transport and promoting walking and cycling.
35. The Council's delegated report explains that a financial contribution of £1,000 is requested towards improving walking and cycling to align with development plan policies to achieve this, and to mitigate impacts upon the highway network. Therefore, based upon the evidence before me, the contribution would meet the tests in Regulation 122 of the CIL Regulations and Framework paragraph 58.
36. Though the appellant does not dispute the need for contributions and has stated they are fully committed to entering into an agreement to provide the necessary financial contributions, no such agreement is before me. No conditions are advanced, no exceptional circumstances for a condition are out to me, or a

⁴ Planning Practice Guidance Reference ID: 21a-010-20190723.

demonstration that the delivery of the development would otherwise be at risk⁵ as set out in the PPG.

37. Therefore, for the reasons set out above, the proposed development would not be compliant with policies for CLP monitoring and sustainable transport. It would conflict with Policies 60 and 65 of the LP, as well as the SPD, the relevant provisions of which I have set out above.

Other Matters

38. The Council's third reason for refusal was due to the absence of an acceptable CLP the application failed to adequately demonstrate how works could take place without adversely affecting the public highway or being prejudicial to the safety of highway users. However, the Council now considers that subject to the imposition of a suitably worded condition, and the submission taking into consideration the highway department comments, a satisfactory CLP could be secured. Having regard to the Council's and Appellant's evidence upon the CLP and the detailed highway comments, I see no substantive reason to take an alternative view.

Planning Balance

39. The proposal would result in limited temporary economic benefits from its construction, and minor sustained benefits from on-going spend in the local economy and support to local services and facilities upon completion. I understand the Council can demonstrate a housing land supply (HLS) of the order of 5.04-years, although a 5-year HLS is not a ceiling and requires sustaining, including from small sites such as the appeal site.
40. The proposal gains support from Framework objectives such as making a more efficient use of land, significantly boosting the supply of housing, providing an accessible dwelling, being a smaller site which can make important contributions towards meeting local needs, in what appears to be a location with a reasonable level of accessibility to services, facilities and onward public transport services. The provision of a single additional dwelling to supply attracts limited weight in favour of the scheme. The scheme complies with policies for character-led intensification and would result in some overall benefit to the appearance of the area. However, in context, these would be limited benefits.
41. There is the potential to achieve some minor overall benefit to sustainable drainage, however, there is nothing to demonstrate this would be anything other than a limited benefit at best. In-light of my concerns in respect of the Ash trees, based upon the evidence, I am not convinced there would be any overall net biodiversity benefits. Even if there was sufficient evidence to demonstrate the trees would be retained, given the scale of the appeal site and scope for enhancement measures, the landscape and biodiversity enhancements would be likely to be of a magnitude that would attract moderate positive weight at best.
42. A suitable CLP being secured under a planning condition would be a neutral matter. Were I to agree the appeal scheme is, or subject to the imposition of suitably worded planning conditions could be made compliant with policies and standards in respect of matters such as, the living conditions of future and neighbouring occupiers, energy and water efficient design, cycle parking, and

⁵ Planning Practice Guidance Reference ID: 21a-010-20190723.

waste collection, these would be neutral matters in the balance. Overall, the policy compliance and benefits of the development advanced by the appellant, would attract moderate weight in favour of the appeal scheme.

43. However, the proposed development would result in LSEs upon the SAC. In accordance with paragraph 11d)i) of the Framework, the application of policies that protect areas or assets of particular importance provide a strong reason for refusing the development, for which Framework policies are not met. Regulation 63(5) of the Regulations precludes the proposal from proceeding, and the harm from the LSEs to the SAC is of such a high order that it outweighs the benefits of the development.
44. Moreover, it has not been demonstrated the proposed development can comply with relevant policies and would not have an adverse effect upon trees. It would also conflict with policies for car-free housing, sustainable transport and CLP monitoring, which attract further negative weight against the appeal scheme. The overall policy conflicts and harm from the appeal scheme significantly outweighs its benefits. Therefore, the appeal should not succeed.

Conclusion

45. The proposed development conflicts with the development plan read as a whole, and the Regulations. There are no material considerations advanced, including the policies of the Framework, which indicate the decision should be made other than in accordance with the development plan and the Regulations. Therefore, for the reasons given, the appeal should not succeed.

Mr D Szymanski

INSPECTOR